IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.8470/2007.

Uttam Chand and ors.
Vs.
Land Acquisition Officer & Anr.

Date of order : 11/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Sudesh Bansal for the petitioners.

******

BY THE COURT:-

Heard learned counsel for the petitioners.

The petitioners have filed this writ petition with the prayer that respondents be directed to disburse the amount of compensation awarded to them in the award passed by the Land Acquisition Officer on 16/9/2006 in lieu of the land which was acquired for the benefit of RIICO.

It is contended that on the basis of the application made by the respondent No.2, reference was made by the Land Acquisition Officer by his order dated 14/12/2006.

A perusal of that order reveals that this was a reference under Section 18 and 31(2) of the Land Acquisition Act, 1894. Learned counsel

refers to para 3 of the award in which it is contended that respondent No.2 merely claimed that he is entitled to receive the amount paid by him to the petitioners at the time of execution of the sale. Learned counsel submits that only an amount of Rs.16 lacs was paid by the respondent No.2 to the petitioners. Learned counsel for the petitioners submitted that in para 2 of the reference application, it is contended that respondent No.2 paid a sum of Rs.16 lacs in advance to the petitioners. A perusal of para 4 of the reference application further reveals that respondent No.2 has offered to make the remaining part of amount of consideration agreed upon between the parties in agreement to sell which is Rs.1,03,12,000/-. Learned counsel argued that so far as undisputed part of compensation is concerned, it should be ordered to be disbursed to the petitioners.

In view of the contest between the parties particularly when respondent No.2 has claimed entire amount of compensation, this Court cannot at the premature stage direct the respondents to make such payment. Petitioners would however be at liberty to make an appropriate application before the concerned

competent authority /court where the reference application is pending. The competent authority / court on filing the said application, shall decide the same in accordance with law.

The writ petition is accordingly disposed of.

(MOHAMMAD RAFIQ), J.

anil